

## **REMARKS/DISCUSSION:**

This Amendment A is being filed within two months after the shortened statutory period for response that ended on February 13, 2007. Accordingly, a Petition for a Two-Month Extension of Time is made a part of the electronic filing of this Response A.

By this Amendment A, claims 1-6 and 8-24 remain pending in this application. Claims 1, 6 and 19 have been amended and claim 7 has been canceled. Amendment and/or cancellation of claims is not to be construed as a dedication to the public of any of the subject matter of the claims previously presented. Further, Applicant(s) reserves the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

### **Rejection under 35 U.S.C. § 102(e)**

Claims 1, 2, 5-7, 15 and 18 stand rejected as being anticipated by U.S. Patent Publication 2005/0112325 to Hickie. The Examiner states that Hickie discloses at paragraph 136 "states that the controller that communicates with either the request/response assemblies can be set at a remote location and is therefore cableless or wireless). See page 2 of the Office Action. Claim 7 has been canceled.

Applicant respectfully transverses the Examiner's rejection of Claims 1, 2, 5, 6, 15 and 18 over Hickie because, according to Applicant's understanding, the Hickie reference neither teaches nor suggests the elements of the Applicant's invention. It is Applicant's understanding that a claim is anticipated only if each and every element as set forth in the claim is found,

either expressly or inherently described, in a single prior art reference. See for example MPEP 2131.

Under MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim, and the elements must be arranged as required by the claim. Under this standard, Applicant submits that Hickle fails to anticipate amended independent claims 1 and 6.

The Hickle reference does not, according to Applicant's understanding, teach or suggest cableless communication between a controller and a response testing apparatus.

Applicant respectfully requests reconsideration of the rejection.

Rejection under 35 U.S.C. § 103

Claims 3, 4, 8-14, 16, 17 and 19-24 stand rejected as being unpatentable over Hickle in view of Randell et al. (6,415,439). Based on the previous discussions, Hickle nor Randell, alone or in combination, disclose or suggest the claimed invention. Reconsideration is requested.

While Applicant has noted several distinctions over the art of record, Applicant notes that several other distinctions exist, and Applicant preserves all rights and arguments with respect to such distinctions.

### **Conclusion**

Applicant submits that in view of the discussion, the rejections under 35 U.S.C. §§ 102(e) and 103 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-736/VEK. This Authorization is being submitted in triplicate.

Respectfully submitted,

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